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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,949	07/14/2003	Monique Francoise Craig	CRAIG-1	6411

7590 01/30/2004

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EXAMINER

SWIA TEK, ROBERT P

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,949

Applicant(s)

CRAIG ET AL.

Examiner

Robert P. Swiatek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 1, reference to the provisional application should appear as the first line of the specification following the title and not after “Field of the Invention”; the statement regarding the provisional application should be worded as follows: –This application claims the benefit of U.S. Provisional Application No. 60/398,053, filed July 22, 2002. –. On page 8, line 13, –of– should be inserted after “diagram” and “shoes” should be changed to –shows–, in lines 14-16, the phrase “at the softer material, or in one embodiment, are attached to the shoe in between the two materials that comprise the shoe” should be deleted; the specification should be amended, as needed, to provide reference numerals for every element of the invention discussed in the specification, shown in the drawing, and crucial to an understanding of the invention. Applicants should note the use of reference numerals in the references cited below in conjunction with the instant claims.

Appropriate correction is required.

The abstract of the disclosure is objected to because in line 1, “The present invention relates to a” should be changed to –A–. Correction is required. See MPEP § 608.01(b).

The drawings are objected to because they must include reference numerals depicting the various parts of the invention. The numerals must correspond to those employed in the specification; moreover, the numerals should supplant the text used in the figures. A proposed

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drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 1, 2 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. In this instance, because claim 1 recites a horseshoe combining the features of several incompatible shoes—for example, lines 6, 7 recite the shoe is constructed from “two types of plastic or rubber” while lines 9, 10 state that seemingly the same shoe is made from a single material that has both “hard” and “soft” parts—and its scope is thus unclear, it has not been given an action on the merits. The preamble of claim 2 recites a method for computing a shoe “toe bevel angle,” yet no method steps are set forth nor is the precise value of the angle stated; the term “optimal” is not given weight in the absence of more specificity.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Ovnick (US 5,566,765). The Ovnick horseshoe 10 includes a beveled front surface 34; the angle of surface

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34 is considered to be optimized. Column 5, lines 7, 8, of Ovnick states the horseshoe can be made of plastic if desired.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Fox et al. (US 5,002,132). Pads 20, 20a of the plastic horseshoe of Fox et al. are deemed to form "a roughly circular pattern" about the radius of curvature of the shoe.

The references to Figueras (US 4,573,538), Thoman (US 4,892,150), Sigafos (US 5,699,861), Rovelli et al. (US 6,412,566 B1), Rynningen (US 6,467,548 B1), and Hutchinson (GB 2,247,602 A) have been cited to provide additional examples of horseshoes.

RPS: ©703/308-2700
22 January 2004

Robert P. Swiatek

ROBERT P. SWIATEK
PRIMARY EXAMINER
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